

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BARBARA ARANEDA, et al.,

Plaintiffs,

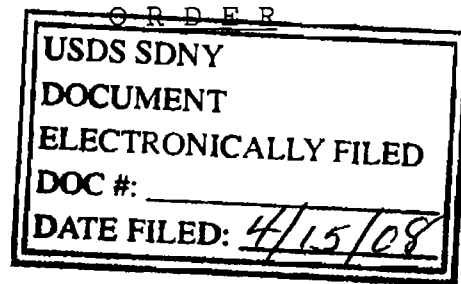
- against -

THE CITY OF NEW YORK, et al.,

Defendants.

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

: 05 Civ. 9738 (RJS) (JCF)



Defendants having moved by letter dated January 22, 2008 for an order dismissing certain claims and compelling discovery, it is hereby ORDERED as follows:

1. The emotional distress claims of plaintiffs Barbara Araneda, Hays Ellisen, David Segal, and Brian Weeks are dismissed, as they have declined to produce releases for relevant mental health records.

2. Plaintiffs Brendan Sexton and Edward Sugden shall be available for continuation of their depositions on dates prior to May 16, 2008 agreed upon by counsel. The continued depositions shall be limited to questions relating to the belatedly produced mental health and non-RNC arrest records. They shall be conducted telephonically, with the plaintiffs bearing the cost of the calls. Mr. Sugden need not produce a release for records of services provided when he was seven years old.

3. Plaintiffs, Anne Burns, Kathleen O'Reilly, Sandy Sanders, and David Segal shall be available for continuation of their depositions on dates prior to May 16, 2008 agreed upon by counsel.

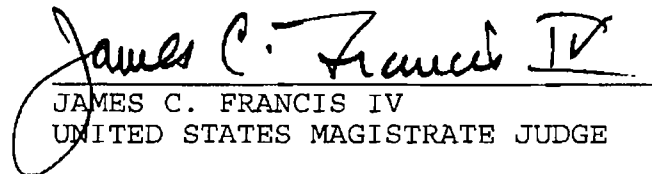
The continued depositions shall be limited to questions relating to the belatedly produced non-RNC arrest records. They shall be conducted telephonically, with the plaintiffs bearing the cost of the calls.

4. Plaintiffs Barbara Araneda, Anne Burns, Kathleen O'Reilly, Sandy Sanders, and Elizabeth Walsh shall be limited at trial to introducing documentation of economic damages that they have produced prior to this date.

5. Plaintiff Anne Burns shall provide a log identifying with the requisite specificity any documents that she is withholding on grounds of privilege. Thereafter, defendants may renew their motion to compel, accompanied by the transcript containing the ruling of Judge Karas upon which they rely.

6. Defendants' application for a preclusion order regarding plaintiffs' clothing is denied without prejudice to renewal at trial.

SO ORDERED.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
April 15, 2008

Copies mailed this date:

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